

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THORSTEN BUSCH,

Plaintiff,

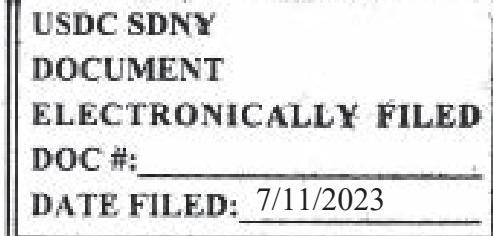
v.

AIRBUS AMERICAS, INC,
AIRBUS S.A.S.,

Defendants.

Case No. 1:22-cv-06967-JHR

**LETTER OF REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE IN THE
APPOINTMENT OF A COMMISSIONER AND DATA PRIVACY MONITOR
PURSUANT TO THE HAGUE CONVENTION OF 18 MARCH 1970 ON THE TAKING
OF EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS**



A request is hereby made by the United States District Court for the Southern District of New York, at 500 Pearl Street, New York, New York 10007, UNITED STATES OF AMERICA, to the Ministère de la Justice, Direction des Affaires Civiles et du Sceau, département de l'entraide, du droit international privé et européen (DEDIPE), 13, Place Vendôme, 75042 Paris Cedex 01, FRANCE, for assistance in obtaining document and information discovery from Airbus S.A.S., a defendant in the above-captioned civil action. This request is made pursuant to Chapter II of the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (the "Hague Evidence Convention").

1. Sender

The Honorable Jennifer H. Rearden
United States District Judge
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007-1312
UNITED STATES OF AMERICA

2. Central Authority of the Requested State

Ministère de la Justice
Département de l'entraide, du droit international privé et européen
13, Place Vendôme
75042 Paris Cedex 01
FRANCE

3. Person to whom the executed request is to be returned

Christopher M. Odell
Arnold & Porter Kaye Scholer LLP
700 Louisiana Street, Suite 4000
Houston, TX 77002-2755

Airbus S.A.S. also designates the appointed Commissioner, Alexander Blumrosen, to accept service of the Hague Evidence Convention authorization and notifications from the French governmental authorities related to the Hague Evidence Convention proceedings on Airbus S.A.S.'s behalf. The Commissioner shall transmit such authorization and notifications to counsel for Airbus S.A.S.

In conformity with Chapter II, Article 17 of the Hague Evidence Convention, the United States District Court for the Southern District of New York presents its compliments to the Ministère de la Justice and has the honor to submit the following request:

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|---|---|
| 4. Specification of the date by which the requesting authority requires receipt of the response to the Request for International Judicial Assistance (“Request for Assistance”) | The requesting authority would greatly appreciate a response to the Request for Assistance within 21 days or as soon as is practicable. |
| 5. Requesting judicial authority | United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007-1312
UNITED STATES OF AMERICA |
| 6. To the competent authority of | The Republic of France |
| 7. Name of the case and any identifying number | <i>Thorsten Busch v. Airbus Americas, Inc., et al.</i> , 1:22-cv-06967-JHR |
| 8. Name of Plaintiff | Thorsten Busch |
| 9. Names and addresses of Plaintiff's representatives | Stephen M. Reck
Levin, Rojas, Camassar, and Reck, LLC
P.O. Box 431
North Stonington, CT 06539
(860) 535-4040 |
| | Samuel Kennedy-Smith
Duddy Goodwin & Pollard
446 Main Street, 16 th Floor
Worcester, MA, 01608
(617) 861-7974 |
| | Paul Levin
Law Offices of Paul Levin LLC
40 Russ Street
Hartford, CT 06106
(860) 560-7226 |

10. Name of the relevant Defendant

Airbus S.A.S.

Registered Office:

1, Rond Point Maurice Bellonte
31707 Blagnac Cedex
France

11. Name and address of relevant Defendant's representatives

Christopher M. Odell
Arnold & Porter Kaye Scholer LLP
700 Louisiana Street, Suite 4000
Houston, TX 77002
T: (713) 576-2400
F: (713) 576-2499

Megan L. Pieper
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Diana Sterk
Arnold & Porter Kaye Scholer LLP
250 West 55th Street
New York, NY 10019
T: (202) 942-5000
F: (212) 836-6638

12. Nature and purpose of the proceedings and summary of the facts

Plaintiff brings a claim for personal injuries based on the alleged negligent design and manufacture of the systems used for air pressurization and conditioning on commercial aircraft. Plaintiff Thorsten Busch was a pilot for JetBlue Airways Corporation. Thorsten Busch alleges personal injuries and related economic losses that he attributes to exposure to "toxic fume events" that allegedly occurred while he was working on certain JetBlue flights in 2019 and 2022. Plaintiff alleges that Defendants designed, manufactured, and sold the aircraft in use on the flights during which Thorsten Busch was allegedly injured.

On May 19, 2023, Plaintiff Thorsten Busch served on Airbus S.A.S. Plaintiff's First

Requests for the Production of Documents and Plaintiff's First Set of Interrogatories. *See Exhibits 1 and 2, attached hereto and incorporated herewith.* Airbus S.A.S. seeks to voluntarily produce responsive documents and information to the Plaintiff, subject to any objections it is entitled to make under the relevant rules of civil procedure and the orders of this Court. Because Airbus S.A.S. is incorporated and headquartered in France, the documents and other information responsive to Plaintiff's discovery requests are located in France. Such documents and information are protected by the French Blocking Statute, and the parties must utilize the Hague Evidence Convention to obtain the requested documents and information. The District Court therefore requests that Airbus S.A.S. now produce said documents and information through the Commissioner, Alexander Blumrosen, upon obtaining authorization from the French Ministère de la Justice.

13. Evidence to be obtained

The evidence to be obtained consists of documents, electronically-stored information, and other information maintained by Airbus S.A.S. that may be relevant to the claims and defenses in the above-referenced action. Airbus S.A.S. will provide to the Commissioner documents and electronically-stored information for transmission by the Commissioner to counsel for Plaintiff and for Airbus S.A.S.

14. Documents or other property to be inspected

The documents and information to be provided to the Commissioner for production to the requesting party are documents and information located in France that will be produced in response to the Plaintiff's First Requests for the Production of Documents and First Set of Interrogatories.

15. Whether the Plaintiff and relevant Defendant have consented to document discovery

The parties have consented to document discovery.

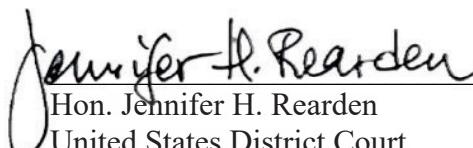
16. Special methods or procedure to be followed
All documents and information will be produced in accordance with the procedures outlined in the Protective Order, entered on June 12, 2023 [ECF No. 65]. The parties reserve all rights to require productions to conform with the requirements under the Federal Rules of Civil Procedure.
17. Specification of privilege or duty to refuse to produce documents or information under the law of the State of origin
Neither this Request, nor the transmission of documents or information to the Commissioner, nor any examination of documents or information by the Commissioner, shall constitute or operate as a waiver of any argument, position, objection, allegation, claim, or defense, of any party in the above-captioned action, or of the attorney-client privilege, the work product doctrine, or any other privileges, rights, protections, or prohibitions that may apply to that evidence under the laws of France, the United States, or any State within the United States.
18. Summary of complaint
See Exhibit 4, attached hereto and incorporated herewith.
19. Summary of defenses
See Exhibit 5, attached hereto and incorporated herewith.
20. Authority appointing Commissioner, pending approval of the Ministère de la Justice
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007-1312
UNITED STATES OF AMERICA
21. Commissioner
Alexander Blumrosen
Polaris Law
4, avenue Hoche
75008 Paris, France
T: +33 1 43 18 02 60
22. Costs
All costs of the Hague Evidence Convention proceeding, including without limitation the fees of the Commissioner, will be borne by Airbus S.A.S., provided that each party will be responsible for the fees and expenses, if

any, of its own attorneys relating to any Hague Evidence Convention proceedings.

This Court expresses its appreciation to the Ministère de la Justice for its courtesy and assistance in this matter.

Dated: New York, New York

July 11 2023


Hon. Jennifer H. Rearden
United States District Court
Southern District of New York